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ABSTRACT

In this discussion of desegregation, a political-legal guide for the ultimate integration of public schools has been constructed. The documents are most useful where segregation rests on a "de jure" foundation, enforced by the government. The guide consists of a series of carefully programmed legal maneuvers, exchanges of reports, recommendations, and information to and from the sources of power and policy determination in the school community. The carefully designed and suggested documents are legally-based steps, all of which are available to most school districts and desegregation planners. The action begins with a resolution adopted by the local board of education, asking for assistance from the state department of the commitment to the task, and a listing of initial activities and recommendations.
(Author/JW)

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EQUAL EDUCATIONAL OPPORTUNITY

A Political-Legal Approach To Desegregation

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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The Political-Legal Approach to Desegregation ★

Desegregation is the law of this land. Despite active and dramatic resistance, Americans are for the most part law abiding people. It is only when laws dictatorially and casually and arrogantly infringe upon the American gut-level concept of liberty do the people of the United States become enraged enough to turn their energies and resources to open defiance to authority, struggle, and rebellion. Development of this national characteristic began prior to the Revolution. Signers of the Declaration of Independence shared this feature, some after thought, others tropistically. The revolution was, from one point of view, merely the formalizing and the effective organization of efforts against something contrary to the fundamental interests of the total people. Many of our institutions rest soundly upon a concern for justice and the enlightened self-interest of the overwhelming majority of law respecting citizens. That some law has been selectively enforced and manipulated with discrimination makes this no less so. It is not surprising then that there are those who think the route of one national education sector dilemma: Racism in education -- lack of equal educational opportunity, and the myriad related problems, concepts and opportunities orbiting these principals, lie through the practice of practical statutory law.

The four authors have constructed a political-legal guide for desegregation of public schools, and ultimate integration of these same schools, based on helping those concerned abide by the law -- something most of us try to do anyway. In the medium provided by legal encouragement of justice these author-lawyer-educator-designers school districts may be helped through the wilderness of uncertainty, threat and unavoidable trauma which impedes the most positively motivated and well-intentioned desegregation program. The areas using elements of this model may well achieve reorganization of the school system in a healthier atmosphere with comparative rapidity.

The guideline documents are most useful where segregation rested on a <u>*de jure*</u> *foundation, enforced by the government. Such places are not necessarily*

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★*Except when indicated otherwise italics are editor's commentary. - W.J.R.*

in the South. Where segregation was established and maintained by other pressures, the greater value of this approach is its practical and suggestive approach.

The political-legal guide consists of a series of carefully programmed legal maneuvers, exchanges of reports, recommendations, and information, to and from the sources of power and policy determination in the school community. The carefully designed and suggested documents are legally-based steps, all of which are available to most school districts and desegregation planners. None of what the model presents or suggests is any impediment to the basic commitments of educators to deliver innovative, high-quality and enriching education to pupils. The reduction or compromise of standards, or deviation from the search for educational excellence, is nowhere called for in the model or the suggested uses of the model. Never is it implied that all pieces of the model can or should be useful everywhere. Environs differ. Obviously, a model serves well if it can be remodeled, renovated, improved upon, and adapted as needed. A model is a conceptualized step in a beginning. It is not an end nor a stricture.

The model implementation begins after a team has been selected and charged with planning or implementing a desegregation program. The selection of this team is done in various ways, depending upon the local construct. The more representative the selecting group the better.

The action begins with a resolution adopted by the local board of education, asking for assistance from the state department of education. The request results in a report, a confirmation of the commitment to the task and a listing of initial activities, begins to establish priorities and direction, grounds the basis of its authority, and makes initial recommendations. All this is done in an acceptable non-contentious manner and tone. The model letter follows. In all documents in the model, an attempt has been made to avoid identifying actual localities or people. Any resemblance to an actual school district, state, or situation should be considered unintentional but inevitable. "Centro" is not to be taken as a real place. The name and the related statistics are used for illustration. That these may be a Centro somewhere is a mere significant possibility. Read on.

The state may respond to the local board of education in the following manner: Cover letter from State Department of Education to Centro Board of Education

Today

Dr. A.M. Harrassed, President
Centro Board of Education
One Way Street
Centro, Any State 00000

Dear Dr. Harrassed:

We are incorporating in this memorandum a report that has resulted from your earlier request that we prepare guidance asked for by the Centro Board of

Education in its resolution of July, 1971. As you know, we had previously met with representatives from the State Departments of Development and Urban Affairs, the State Education Association, the State Civil Rights Commission, the Department of Justice, the Division of Equal Educational Opportunities, the Office for Civil Rights, the State University, and other organizations, agencies, and individuals to discuss ways of providing such assistance to school systems in this region of the nation.

In order to comply with your request, we enlarged this team effort to include representatives from several university institutes and centers for Equal Educational Opportunities. During the weekend of July 30-31, the Superintendent of Centro's public schools, members of his staff, and experts on school integration from Alabama, North Carolina, Virginia, Washington, D.C., Ohio, and Michigan met to discuss the Centro schools' problems, to plan strategies for change, and to outline suggestions for achieving the resolution's goals. As the conference proceeded, lengthy telephone conversations were held with other experts in Arizona, New Mexico, New York, Illinois, Indiana, Pennsylvania, Wisconsin, and North Carolina. The attached document is one product of that conference and those conversations.

Persons selected for participation in the development of these recommendations were chosen by three criteria in their order of importance: (1) their credentials and backgrounds are impeccable; (2) they are personally committed to quality integrated education; and (3) they are experts in such fields as school administration, curriculum, educational change, jurisprudence, educational planning and development, and human relations. Each person came at his or her own expense, and no reimbursement was either requested or offered (although hopefully we can find some way to pay travel eventually).

Many alternatives were suggested. Their range is indicated in this report. Numerous strategies, methodologies, techniques, and possibilities were discussed and catalogued. The team of experts concluded that the resolution passed by the Board in July was not one which could be dealt with effectively in detail until the Centro Board commits itself to one of the alternative policies suggested in this report -- or to some other which would result in achievement of the resolution's objectives.

As the report suggests, in view of prevailing legal and moral circumstances (the realities referred to in the body of the report), only the one alternative policy is deemed logical and feasible. Therefore, it is the one to which the team of experts devoted their most serious attention.

We recommend, therefore, the following:

1. That the attached document be transmitted as official recommendations from the State Department of Education to the Centro Board of Education through their Superintendent;

2. That the Centro Board of Education be urged to fulfill their collective duty to adopt the recommended policy <u>immediately</u> for correcting "the conditions that offend the Constitution;"

3. That the Centro Board of Education is informed that if the recommended policy is adopted and ordered implemented -- or an alternative policy

that would achieve similar results -- they can expect to receive continuing assistance from the State Department of Education and the consortium of other agencies, organizations, groups, and individuals referred to above for completing development of strategies, methodologies, and ways of achieving the goals stated in the April resolution; and

4. That upon adoption of the policy by the Centro Board of Education, the consortium of consultative services which helped to formulate this report be made available to assist the Superintendent and his staff in development of those administrative strategies, methodologies, and techniques essential for implementation of the policy. Once those have been developed formally, the "broadly representative committee" referred to in the Board's resolution should be utilized to evaluate and to advise the Board on such plans.

The request which we received from Centro was two-fold. We can report also to you that proposals for financial assistance are being developed in accord with the Board's request.

Since Centro is the first of your state's major urban school systems to take this important step toward fulfillment of some of the most basic of American ideals, we personally pledge our continuing support to you and to the school children in your district for that fulfillment. We have also been asked to make that same pledge for the entire team of experts who have contributed to the preparation of this report.

Sincerely yours,

I. M. Dammed
State Superintendent of Education
State Department of Education
Capital City, Any State 00000

The document designed and recommended for use as official recommendations from the state Department of Education to the Centro Board of Education through their superintendent is to guide the local board of education in a reaffirmation of its position and policy in relation to desegregation through a widely disseminated public statement. The statement takes some of the heat off the board by citing many sound authorities. It endorses the equalization and extension of equal educational opportunities, the reduction of racial isolation, and the promotion of quality integrated education. The suggested communication makes capital of the fact that even most resistant boards have a history of having passed, at one time or another, very positive resolutions and declarations of noble intent, whether they meant them or not. To be able to quote the opposition as well as one's friends to support an objective is a very advantageous position. The state does this with appropriate congratulations embedded in the reminders.

Official Preliminary Recommendation From the State Department of Education to the Centro School Board

MEMO

To: Mr. A.M. Harrassed, President, Centro Board of Education

From: I.M. Dammed, State Superintendent of Education, State Dept. of Education, Capital City, Any State

Subject: Response to your request for assistance regarding desegregation of Centro Public School System.

Date:

School integration is a complex and difficult task; to suggest otherwise would be naive. But it can be achieved by persons with courage, commitment and skill who have the political and professional support of major institutions inside and outside the school. There will be anxiety, fear, doubt, hostility, and other equally unsettling emotions. Nagging questions will plague the dedicated educator about his effectiveness in creating interracial collaboration. This is natural. It is also important to relax, to help yourself and your students accept and work within their own and the school's limitations. Integration can be an enriching and rewarding process for both students and educators. We wish you good luck.

The above paragraph, taken from Planning Educational Change; Integrating the Desegregated School, states succinctly and well the attitude of the State Department of Education toward the recent request for assistance from the Centro Public School System for achieving those goals stated in the resolution passed by the Centro Board July of 1971.

THE BOARD'S POSITION.

The Centro Board of Education has passed various resolutions in recent years designed to equalize and to extend educational opportunities, to reduce racial isolation, and to establish quality, integrated education in the schools. Many study sessions have been held with the administrative staff, with the community, and with experts from outside the school system. Numerous alternatives have been suggested, adopted, and in some instances implemented. The latest resolution, passed by the Centro Board in July of 1971 read:

> WHEREAS the Centro Board of Education recognizes that unequal educational opportunities for minority students now exist, and WHEREAS current resources available to the Board have been fully used to extend learning opportunities and are now stretched to their limit;
> NOW, THEREFORE BE IT RESOLVED that the Superintendent of Schools be authorized and directed to request the assistance of the State Department of Education to provide technical assistance for the development and submission to the Board of alternative plans for reducing racial and economic isolation of pupils and improving educational opportunities in the Centro Public Schools, and for developing proposals for outside funding to implement the same, subject to the approval of the Board.

BE IT FURTHER RESOLVED that the President of the Board, in consultation with the Board, appoint a broadly representative committee to evaluate and advise the Board on plans that are developed pursuant to this resolution.

The State Department of Education interprets that resolution to mean that the Centro Board of Education intends, and indeed is legally committed to, achievement of the goals stated therein. The Centro Board of Education is certainly to be congratulated for its commitment inasmuch as their posture on school integration is completely consistent with currently evolving history of our nation. The paragraphs below indicate that consistency. (Editor's italics)

THE UNITED STATES SUPREME COURT

In 1954, the United States Supreme Court held that separate schools are inherently unequal (Brown vs. Board of Education). In 1968, the Court required that "The burden on a school board today is to come forward with a plan that promises realistically to work . . . now . . . until it is clear that state-imposed segregation has been completely removed." (Green vs. County School Board, italics not in the original). Mr. Justice Black in 1969 commented: "My belief (is) that there is no longer the slightest excuse, reason, or justification for further postponement of the time when every public school system in the United States will be a unitary one . . ."

In 1971, the United States Supreme Court ruled unanimously: "The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation." The Court also added, "The task is to correct, by a balancing of the individual and collective interests, the condition that offends the Constitution." (Swann vs. Board of Education).

Legal sounding as they are and ostensibly resting on legal precepts, every part of the model is wrapped in psychological bindings. For example, impeachment and removal of Supreme Court Justices is a favorable toy idea of some change agents. In practical terms, the court continues to be respected to the point of near-reverence by other Americans. The Court is an idealized institution conceived in the caucus of the framers of the Constitution and almost sacred from down east to the frontier. The nine old men are among our national "elders." The model uses the court to strengthen the thrust toward integration by citing and quoting the court. Few feel they can casually argue with the law, and these elders, or ignore the combined expressions of the two. To try actively to circumvent the direction of the Supreme Court stimulates feelings of guilt and general unease of conscience in many people. The model employs the deep seated respect for the court.

THE CONGRESS OF THE UNITED STATES

The Congress' most notable stand to date on this issue was the Civil Rights Act of 1964 and its later modifications. Most of the legislative moves on social issues have been designed to correct, to protect, and to assure rights, privileges, and responsibilities of minority children, primarily because of the ill effects of racial isolation, insulation, and discrimination on the minority child. Damage which results from such factors is not so neatly restricted.

During April and May of 1970 the Select Committee on Equal Education Opportunity of the United States Senate conducted extensive hearings and collected evidence from a wide variety of researchers, scholars, educators, and other citizens. The basic results of that investigation have been condensed into Section 2 of Senate Bill 683 (92nd Congress, 1st Session): "The Congress hereby finds that the segregation of school children by race, color, or national origin, *whatever its cause or origin,* is detrimental to *all* children and deprives them of educational opportunity: that conditions of such segregation exist throughout the Nation, and, as a result, substantial numbers of children are suffering educational deprivation; . . ." (Italics not in the original).

THE PRESIDENCY

Because of some lingering legal and judicial obfuscation, racism, and other related phenomena, all-black and all-white schools may persist into this nation's future. Yet, the mode of future education in this nation has clearly been spelled out -- our schools will be racially mixed, not those where children will be segregated by race. The President's Committee on Civil Rights, a quarter century ago, stated: "It is impossible to decide who suffers the greatest moral damage from our civil rights transgressions, because all of us are hurt." Other presidents before Mr. Truman had made similar statements, and those who have come after him have concurred.

President Lyndon Johnson on November 17, 1965, stated in Racial Isolation in the Public Schools:

> Although we have made substantial progress in ending formal segregation of schools, racial isolation in the schools persists -- both in the North and the South -- because of housing patterns, school districting, economic stratification and population movements. It has become apparent that such problems are more subtle and complex than those presented by segregation imposed by law.

On March 3, 1971, President Richard Nixon stated:

> I am well aware that "quality education" is already being interpreted as "code words" for a delay of desegregation . . . . We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

To hammer home the idea that equalization of educational opportunity is a national policy, the model uses the Congress and the Presidency just as it does the impact of the Supreme Court. The intent of the Congress is clearly restated. Then the model brings the prestige of the Presidency into the local consideration by reminding the state, the community, school official, everyone, where the President stands on this matter. Fortunately, all presidents in recent history have expressed themselves as being for justice in education. What they have or have not done, and may or may not do, is not at issue. The objective of the model is to get desegregation programs moving faster with the highest level of approval and encouragement with which as many people as possible may identify. To oppose this segment of the model one must consciously step forward to oppose the Supreme Court, the Congress and the President -- an awesome trio.

Representatives from the Office for Civil Rights conducted a review of the Centro Public Schools at an earlier date. As one result of that review, a concern was expressed about evidence of racial segregation among the pupils in the Centro Public School System: (appropriate date inserted for each locale. Following is an example).

> The existence in your district of a substantial duality in terms of race or color with respect to distribution of pupils in the various schools, is a matter of concern to us. The fact appears to be that of a total of

5,627 Negro high school pupils, approximately 85 per cent are concentrated in 3 high schools in which the percentage of Negro attendance ranges from 92.3 per cent to 100 per cent. Similarly, 15,479 (approximately 85 per cent) Negro elementary pupils attend 20 out of the 53 elementary schools in your district. It is noteworthy that in 17 of these 20 schools, Negroes constitute 90-100 per cent of the total enrollment.

On (refer back to original), stated in a memorandum to Chief State School Officers and School Superintendents: "Title VI of the Civil Rights Act of 1964 requires that students in a school district receiving Federal financial assistance be afforded educational services free from discrimination on the ground of race, color, or national origin."

Even so, what about prestigious private organizations specializing in the field of education? The model shows the programmers how to use the impressive findings and resolutions of the National Education Association, the National Parent Teacher Association, the American Association of School Administrators, the National School Boards Association, The Local Classroom Teachers' Association, and the State Department of Education. With surprisingly little rewriting the model documents may be made to fit many, many locales. The insertion of indicative (appropriate) local data and the citing of such endorsements, recommendations, and policies, national, state, and local, both encourage and shield the local work.

Support and Endorsements of Non-governmental Activities

THE NATIONAL EDUCATION ASSOCIATION

Principle I. section 5, of the National Education Association's Code of Ethics states that the educator "Shall not on the ground of race, color, creed, or national origin exclude any student from participation in or deny him benefits under any program, nor grant any discriminatory consideration or advantage." The President of the N.E.A., Helen Bain, recently stated:

> The time is now to enforce the "law of the land" by cutting off Federal funds from recalcitrant school districts which refuse to integrate, even if it means a temporary shutdown. No schooling for a few months is preferable to the kind of degrading and dehumanizing situation which many thousands of children suffer daily in segregated schools . . . . Each school district in the nation, in order to receive funds from any present or future Federal assistance program, should be compelled to submit a written statement of its commitment to the goal of "quality integrated education."

Your State Education Association is in complete opposition to segregation of school children on the basis of race, color, creed, or national origin. That opposition was stated clearly in the following resolutions passed by the 1970 Representative Assembly of the Association:

> The Association believes that quality teaching is the basis of quality education for boys and girls. The State Education Association believes that every child, regardless of race, creed, or national origin, has the inherent right to quality education:

The Association believes in the justice of equal educational opportunity within the state and nation. To this end the State Education Association earnestly supports the broad general principles of the State Foundation Program and the federal laws that will accomplish the same for the nation.

The State Education Association encourages local boards of education to employ members of minority groups as professional staff members, as paraprofessionals, and as auxiliary personnel.

The State Education Association believes that when children and youth develop positive relationships with such persons, their appreciation of our country's cultural and racial diversity will be enhanced.

THE NATIONAL PARENT TEACHER ASSOCIATION

The following resolution was adopted by the National Parent Teacher Association, May, 1969:

WHEREAS, The National Parent Teacher Association has resolved in its convention resolution "Equality of Opportunity" (1964) "to put forth ever greater effort to assure that our constitutional guarantees of human dignity, freedom, and opportunity will prevail for all children," and has reaffirmed this in its convention resolution "The Rights of Citizens" (1965); and

WHEREAS, In view of the deepening domestic crisis, and in recognition that inequities in education, housing, and employment still persist, therefore be it

RESOLVED That the National Parent Teacher Association continue to develop leadership and programs to promote equal opportunity in education, housing, and employment.

THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

The Official Platform of the American Association of School Administrators states:

As educators we believe --

1. That the primary purpose of education in the United States of America is the development of each individual for the fullest participation in the American Democratic way of life.

2. That universal free education must be made available to all peoples of every race, color, and creed in the interests of intelligent citizenship, world understanding, and peace.

3. That the American democratic way of life can be perpetuated (a) through universal free education which provides equal opportunities and is fitted to the abilities, interests, and needs of each person and of the society in which he lives.

In order that these principles may be realized, we as school administrators propose to work for --

.....

8. The elimination of barriers that present full access to equal educational opportunity for all children and the provision of educational leadership in eliminating discrimination against any segment of our society.

These resolutions were strengthened in February of 1971:

AASA continues to be committed to the moral necessity of integration. We believe that Administrators must understand that agony and confrontation may be essential if we are to weld a nation together. Further, we believe that school administrators nationwide should utilize whatever legal means are available to bring about meaningful, educationally sound integration.

THE NATIONAL SCHOOL BOARDS ASSOCIATION

The National School Boards Association adopted the following resolution during the NSBA Delegate Assembly at Miami Beach, Florida, April 12-15, 1969:

The National School Boards Association urges that state school boards associations initiate and support, in cooperation with other statewide associations, continuous study and action programs to improve state laws related to the two fold task of raising and distributing tax revenue for public education. The solutions evolved should reflect concern for:

a. programs designed to meet the educational needs of all public school children.
b. state aid formulas that compensate for such factors as:

(1) The disparity among school districts in resources available for public education.
(2) The disparity among school districts in effort expended.
(3) The disparity among school districts in the cost of providing comparable programs in urban, suburban, and rural areas.
(4) The higher cost of educating those children with exceptional needs of all kinds wherever found.
(5) The extra costs of quality programs.

c. achievement of an appropriate intergovernmental sharing of the cost of public education based on equitable tax system that balances the progressive and regressive factors in the various methods of taxation, in order to provide adequate revenue for education without inequitable tax burdens.

The Support and Endorsement of Local Non-governmental Authorities -- as Many as Possible

THE CENTRO CLASSROOM TEACHER ASSOCIATION

The Executive Committee of the Centro Classroom Teachers' Association passed the following motion unanimously at its April, 1971, meeting;

WHEREAS: The Centro Classroom Teachers' Association has endorsed the concept of quality integrated education for all Centro School children, and
WHEREAS: The United States Supreme Court has decreed that equal educational opportunity is an inherent right of all American citiznes, and
WHEREAS: The President of the United States has asserted his intention to enforce these constitutional rights,
THEREFORE BE IT RESOLVED that the Centro Classroom Teachers' Association Executive Board demands that the Centro Board of Education enter into negotiations with the United States Office of Education to develop and to adopt a comprehensive student plan that will result in the desegregation of the Centro Public Schools. . .

Many other individuals, agencies, committees, commissions, associations, public bodies and organizations have taken the same basic stand in this county relative to racial discrimin' .on and integration of schools. The above statements are but a small sample of the movement in American society to assure that the American ideals become reality for all citizens.

Perhaps the most notable legal actions since the Supreme Court ruling in the Swann vs. Board of Education case has been the court order presented to the San Francisco Board of Education by U.S. District Judge Stanley A. Weigel. The Board there just recently adopted a plan for fully integrating that district's 100 elementary schools in September of 1971.

Austin, Texas, has been ordered to complete integration of that city's schools by September, and Secretary of Health, Education, and Welfare Richardson has recently announced the administration's position that the remaining segregated systems in the South will be desegregated also by September of this year.

Support and Endorsement by State Authorities -- Ohio is Used for Illustrative Purposes

THE POSITION OF THE STATE DEPARTMENT OF EDUCATION

Although school legal codes vary from state to state, certain elements of the legal foundations of American education are common to the entire nation. For purposes of this model, Ohio's legal code has been utilized as the basic document for reference.

Section 7.06 of Division One of Drury's Ohio School Guide serves as the preamble for the position of the State Department of Education on this issue:

> *Laws providing for the education of children are for the protection of the state itself. The primary purpose of the maintenance of a school system is the promotion of the general intelligence of the people constituting the body politic, and thereby to increase the usefulness and efficiency of its citizens, on which the government of society depends.*
>
> *(Author's italics)*

Members of local boards of education, as lay men and women, often do not have time and opportunity to learn all they should know in order to function effectively in their elected or appointed positions. Consequently, they commonly rely on recommendations made to them by others who are also very busy, on public opinion, on the news media, and on various other sources for information basic to decision-making. An important aspect of educational mythology in America is the notion of "local control" of public schools. (In actuality, they are not public schools, but rather the public's schools).

Although local boards of education have rather broad discretionary powers to formulate policy for many of the educational activities in a given geographical area, those powers are delegated by the State. In Ohio, for example, this has been spelled out explicitly by the Legislature.

> The organization of the public school system of _____ is by districts, each governed by its own board of education, which districts are organized to promote education and carry into effect the provision of the Constitution in respect thereto.
>
> A school district is a political organization unknown to the Constitution, the mere creature of legislative enactment, and organized as an agency of the state in maintaining its public schools, all of its functions being of a public nature. It is merely a geographical division of territory devised for the convenience of its inhabitants, and a mere territorial and political division of the state established exclusively for public purposes, and connected with the administration of local government, through a system of local management and control of the public schools.

Other terms have been employed such as "dual school systems," "unitary school systems," "separate but equal," "admission to public schools as soon as practicable on a nondiscriminatory basis," "state enforced discrimination," "equal protection guarantees of the Constitution," "powers to remedy past wrongs," "equitable remedies to repair the denial of a constitutional right," and "to correct . . . the condition that offends the Constitution." The one phrase that has permeated every major Supreme Court ruling on desegregation of schools is "state imposed segregation by race in public schools which denies equal protection of the laws." We add to this:

> School districts are agencies of state government. They are created to carry out the constitutional requirement to provide a system of public education. A school district is a quasi-corporation. It is a political or civil division of the state; it is established as an agency or instrumentality of the state for the purpose of facilitating the administration of government. Education is a government function. A school district functions in the execution of state government or state policy. It possesses limited powers. The powers, duties, and liabilities of a school district are only such as prescribed by statute.
>
> Since education is a state function, completely under the control of the state legislature, except as it may be restricted by the state of United States Constitution, the legislature may authorize the creation or alteration of school districts as state agencies in such manner as it deems advisable. Clearly, however, the legislature cannot directly administer the state educational system. It must create agencies to carry out its policies and must delegate to them much of its authority.

Each member of the Centro Board of Education either swore or affirmed that she or he would support the Constitution of the United States and the State, and that she or he would faithfully and impartially discharge her or his duties to the best of her or his ability. The Board is a continuing arm of State government, regardless of its constituent membership at any particular point in time.

As the resolution of July, 1971, admitted, "the Centro Board of Education recognizes that unequal educational opportunities for minority students now exist." Inequality of such opportunities, for minority and majority students, has characterized the Centro public school system throughout its history.

If the State Department of Education must advise that the Board clearly has an affirmative duty to comply with the Constitution; that is, as the Supreme Court has stated, "to eliminate from the public schools all vestiges of state-imposed segregation." The Court added to that remark:

> Segregation was the evil struck down by Brown I as contrary to the equal protection guarantees of the Constitution. That was the violation sought to be protected by the remedial measures of Brown II. That was the basis for holding in Green that school authorities are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch. (Swann vs. Board of Education, Section III; italics not in the original).

Lest any doubt remain that the Centro Board of Education has such an affirmative duty, the Supreme Court's own check list is presented here:

> In Green, we pointed out that existing policy and practice with regard to faculty, staff, transportation, extra-curricular activities, and facilities were among the most important indicia of a segregated system. Independent of student assignment, where it is possible to identify a "white school" or a "Negro school" simply by reference to the racial composition of teachers staff, the quality of school buildings and equipment, or the organization of sports activities, a primafacie case of violation of substantive constitutional rights under the Equal Protection Clause is shown.
>
> When a system has been dual in these respects, the first remedial responsibility of school authorities is to eliminate invidious racial distinctions.
>
> .....
>
> The construction of new schools and the closing of old ones is one of the most important functions of local school authorities and also one of the most complex. They must decide questions of location and capacity in light of population growth, finances, land values, site availability, through an almost endless list of factors to be considered. The result of this will be a decision which, when combined with one technique or another of student assignment, will determine the racial composition of the student body in each school of the system. Over the long run, the consequences of the choices will be far reaching. People gravitate toward school facilities, just as schools are located in response to the needs of people. The loca-

tion of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner city neighborhoods.

In the past, choices in this respect have been used as a potent weapon for creating or maintaining a state-segregated school system. In addition to the classic pattern of building schools specifically for Negro and white students, school authorities have sometimes, since Brown, closed schools which appeared likely to become racially mixed through changes in neighborhood residential patterns. This was sometimes accompanied by building new schools in the areas of white suburban expansion farthest from Negro population centers in order to maintain the separation of the races with a minimum departure from the formal principles of "neighborhood zoning." Such a policy does more than simply influence the short-run composition of the student body of a new school. It may well promote segregated residential patterns which, when combined with "neighborhood zoning," further lock the school system into the mold of separation of the races. (Swann vs. Board of Education).

The Centro Board of Education may want to compare that checklist with the contents of a sworn affidavit submitted to the Office for Civil Rights by a resident of Centro City. *(Most cities have at least one such case - Editor).* These statements are taken from that affidavit:

7. That although all academic classes and the gym classes (in the school) were integrated, the swimming pools and dressing rooms were segregated by race; the east pool was for white students and the west pool for black students.
8. That one white swimming instructor refused to get in the water with the black students, and, instead, carried a long pole which she extended to any student floundering in the water.
10. That none of the school's clubs or activities were opened to black students.
15. That the school maintained separate contact sports teams for blacks, and tryouts were open to whites only.
17. That all social affairs, including the prom and class day, were separate and the black functions were hold off school property.
20. That no black student was permitted to speak at commencement or to carry any emblem of the school or class.

The State Department of Education congratulates the Centro Board of Education for being the first of the state's large urban school systems to move affirmatively toward elimination of racial isolation and its evil effects. The desire to move beyond just that and to deal affirmatively with economic isolation is even more commendable. As one lady stated to the Centro Board in a recent meeting, "If there ever was a time when we need to get together, now is the time." (Someone always says something like this).

The State Department of Education *presents its suggested alternatives and recommendations to the Centro schools based on three "realities" of contemporary America.* (Editor's italics)

1. The laws of the State as they relate to the Board's duty. ("It is unlawful for a board of education to provide separate schools or classes in the public school system because of the racial origin, creed, or color of the pupils. A superintendent of schools, and a board of education, has no legal authority to make any distinction because of such matters in the assignment of pupils to schools, or the determination of the boundary lines of school areas.").

2. The Constitutional requirements spelled out in the Supreme Court decisions related to guarantees of equal protection for all American citizens. (In Swann vs. Board of Education, the statement was made: Nearly 17 years ago this Court held, in explicit terms, that state-imposed segregation by race in public schools denies equal protection of the laws. At no time has the Court deviated in the slightest degree from that holding or its constitutional underpinnings).

3. The lack of opposition to the intent of the Board's resolution of April, 1971.

Every public voice that has been raised in the Centro area has supported quality integrated education. No person who has spoken of this issue admits opposition. The major obstacle appears to be the selection of methods and strategies for achieving the goal. In view of these positive attitudes and commitments, State laws, and Supreme Court rulings, the following alternatives and recommendations are presented to the Centro Board of Education. All have been proposed, discussed, and evaluated by various individuals and groups in the community during the past several years.

1. The Board could chose to do nothing. The Board could assume the posture, as it has in the past, that the Centro school district has done nothing, nor has permitted anything to be done, that has led to segregation of children. However, the Board has publicly gone on record as desiring quality integrated education and has publicly admitted that the district is guilty of practices which have led to segregation of school children. The State Department of Education recommends that the Centro Board of Education has an affirmative duty to correct those practices and policies which offend the Constitution.
2. The responsibility could be passed to the next Board of Education. Inasmuch as voters in the Centro school district will be selecting persons again in November to constitute the Board after the year's end, the current Board members may not want to be the individuals who collectively will initiate a legally and morally proper course of action, one based on the most fundamental ideals for which this nation was founded. The currently composed Board could elect to pass the torch and, in effect, abdicate their individual and collective responsibilities. However, regardless of who occupies the seats, guilt has been evidenced and the corrections must be made.
3. All incumbent Board members could resign. Responsibility for achieving the ideals could be returned to the State where ultimately it belongs. State law permits this to occur and specifies the methods.
4. Delaying tactics could be continued. The Board, in spite of resolutions and overt commitments, could choose to make only the slightest mandated changes and to utilize the best legal talent available to resist compliance with constitutional requirements. Other school districts have chosen this alternative, even as Centro has used similar methods in the past. However, the highest Court in the land has stated the constitutional offensiveness of state-imposed segregation of school children, and persisting delay clearly violates the oath of office of members of the Boards of Education in the state.
5. Existing policies could be magnified and expanded. For example, the Centro Board of Education could expand its "freedom of choice" policy and pay the transportational costs for those youngsters who elect to make the minority-to-majority transfer. This is permissible as one aspect of a comprehensive plan according to the Supreme Court. "In order to be effective, such a transfer arrangement must grant the transferring student free transportation and space must be made available in the school to which he desires to move." (Swann vs. Board of Education, Section V). However, State law does not grant to students "the right to select the particular school to be attended within the district of his residence."
6. Some racially identifiable schools could be preserved. All-black and all-white schools may be allowable in certain instances because of psychological needs of persons who are willing to pay the costs of such voluntary segregation. If that course is followed, the Board should study carefully Section V, Part 2, of the Swann vs. Board of Education ruling by the United States Supreme Court before making such a decision.
7. The Board could seek a mandate from the Courts. For example, the Board could elicit the help of citizens or citizenry groups to prepare a legal suit against the Board as an agency of state government and give to them all of the evidence and help necessary for winning the case in Court. In view of the Board's resolution, this does not appear to be a necessity.
8. Elimination, renovation, and construction of buildings could become the vehicle for accomplishing a major portion of the objective. Older buildings could be eliminated, and newer ones either expanded or constructed in areas where, by design, they could easily be integrated racially and economically. Lack of financial resources currently seems to prohibit this alternative.

9. The Board could opt for the "voucher plan." Some monies are available through the U.S. Office of Education under the so-called "voucher plan" which could possibly be obtained by Centro schools. In effect, the Board could seek such funding, and, if successful, ask the state legislature for permission to close the public schools as they now exist and to provide finances for students to select their own facilities for educational experiences. The conflict between Federally sponsored innovative programs and the legislatively imposed duties and responsibilities of school boards in the state seems to preclude this alternative as one that merits serious attention.

10. The Board could require racial balance of students in each school. Through the legally binding contract negotiated between the Centro Board of Education and the Office for Civil Rights, each school's faculty will be composed of approximately the same proportion of black to white as characterizes the entire system. With slight modifications, that was the policy adopted by the Board of Education in Charlotte-Mecklenburg, North Carolina, for both faculties and students. And, quite legally, any board of education could adopt such a policy. Several factors suggest this as not being the most reasonable policy for Centro School District.

a. The United States Supreme Court, in the Charlotte-Mecklenburg case, stated: "The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."
b. Although exact mathematical formulas may be easy to derive and even to implement, they are very difficult to maintain.
c. The financial costs of exact racial balance could become prohibitive, especially if additional transportation is required.
d. The Supreme Court again has stated: "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process." (Swann vs. Board of Education)

11. The Board could adopt as policy the "parameters" concept. A series of three study sessions was recently held between the Centro Board of Education, the administrative staff, and other invited personnel. In one section of the document entitled Integrated Education produced for those sessions, an approach to strategies for accomplishment of these goals was recommended: "Parameters and the Future." The purpose of that presentation was to extend educational opportunities.

After searching for, cataloging, and examining the other alternatives described above, the State Department of Education officially recommends to the Centro Board of Education the basic ideas employed in the development of "Parameters and the Future" as the most reasonable and educationally sound of those potential policies which the Centro Board could adopt.

If that posture is assumed by the Centro Board, acting as an agency of state government, a comprehensive plan can then be developed for implementation of the policy which will be constitutionally valid and inoffensive, educationally sound, and morally proper.

RECOMMENDATIONS

AN OFFICIAL SET OF RECOMMENDATIONS TO THE CENTRO BOARD OF EDUCATION FROM THE STATE DEPARTMENT OF EDUCATION FOR REDUCING RACIAL AND ECONOMIC ISOLATION OF PUPILS AND IMPROVING EDUCATIONAL OPPORTUNITIES IN THE CENTRO PUBLIC SCHOOLS

This document is predicated on the following basic assumptions:

1. That many of a child's most important lessons are learned very early in life, especially those affective learnings which shape values, attitudes, appreciations, interests, and aspirations.

2. That students in the Centro public schools are living and learning in a community that currently is characterized by social and geographical insulation and isolation as these relate to race and economy; and that such insulation and isolation result in a form of cultural conditioning that impedes and restricts interracial understanding, appreciations, and co-operation.

3. That schools, as stated by the United States Supreme Court, cannot be separate and equal. More importantly, children isolated and insulated racially and economically in schools cannot learn many of the most essential lessons needed for effective participation in a democratic society.

4. That as occupational opportunities are expanded for persons who previously have been economically restricted, other national goals such as increased and expanded vocational opportunities and open housing will be

accomplished. Yet, the schools cannot wait on other agencies of government and societal institutions; educational institutions, by a series of legal and judicial thrusts, have been positioned on the front edge of social change. If the schools' leadership fails, both white and black neighborhoods are apt to become "embalmed ghettoes."

5. That the occupational, political, social, and higher educational world to which Centro's young people will graduate will be one in which interracial experiences will be commonplace and ordinary.

6. That the problems inherent in racial and economic isolation cannot be solved unless an appreciable proportion of minority children are involved, whether they be black in previously all-white schools or white in formerly all-black schools.

7. That in order for any intermediate steps to be successful, commitment to the final goal of ending racial and economic isolation and insulation is essential.

8. That if the schools' task of preparing young people appropriately and adequately for adulthood is to be achieved in Centro, racial and economic isolation and insulation must be eliminated root and branch throughout the community.

9. That a plan should be designed (1) to improve the quality of educational experiences as the opportunities for educational experiences are equalized and extended; (2) to eliminate racial and economic isolation and insulation as completely as possible; (3) to involve all facets of the total educational enterprise in pursuit of common goals; (4) to provide opportunity for involvement in the decision-making process to those persons most directly affected by the changes which result; and (5) to provide for future planning and development that will minimize the possibilities of racial and economic isolation and insulation redeveloping.

Certain factors must be taken into account as any plans are developed for reducing racial and economic isolation in the Centro School District. These include:

1. With few, if any, exceptions, currently existing school buildings are structurally sound and usable.

2. A practically impenetrable, residentially segregated, living pattern of blacks and whites now exists in the school district.

3. About 80 per cent of all black students reside in the area bounded by the throughway on the north and the river on the east; residential districts outside this area are almost totally white, except for the changing neighborhood immediately north of the throughway.

4. Attitudes of polarization and separatism apparently are growing among some black and some white segments of the community.

5. Recent school elections, tax levies, and bond issues seem to indicate an extremely conservative attitude in some sections of the city.

6. The ideals and commitments which are deeply embedded into the American way of life by the Constitution of the United States and through other documents and policies.

7. The potential impact that decisions made in 1971 will have no longer ranged plans and the future of public education in the Centro Metropolitan area.

8. The affirmative duty that the Centro Board of Education, as an agency of state government, has to correct inequities from the past and to preclude the possibility of similar inequalities developing in the future.

For practical reasons, future educational developments in Centro should be made in view of the following criteria:

1. For budgetary reasons, a feasible plan should require a minimum of school plant conversion.

2. Transportation costs and time involved in transportation should be minimized.

3. Developmental plans should provide for full opportunities for leadership and extra-curricular experiences for all students.

4. Plans should also incorporate components which can take advantage of public transportational systems.

5. Plans should provide workable parameters within which to operate; such parameters should reflect the assumption that an appreciable proportion of minority children is involved in all of the schools.

Improvement of educational quality and elimination of racial and economic isolation and insulation in schools are a series of interrelated processes which involve all aspects of the educational process. Deliberate planning in many areas is essential to success, and success has to be planned for and built into the plans. The major components which should be included in the comprehensive plan must be broader than just bringing black and white youngsters together in the same classrooms. All aspects of the total educational experience must be included:

Community participation
Students
    Elementary schools
    High schools
Teaching faculties
School staffs
Central office staff
Curriculum
In-service developmental programs
Staff recruitment
Buildings and facilities
Extra-curricular activities
Finance

Several stages of implementation of such a program should be expected.

The document, Integrated Education, introduced earlier to the Centro Board of Education included an outline of the other components of the policy being recommended here. Repetition is not necessary. However, the following activities and goals are stated explicitly here as parts of the formal set of recommendations being made in this document.

1. Any change in the racial and economic composition of a given school's student population between the date this report is received and September, 1971, should be toward reduction of racial and economic isolation, or toward the system-wide proportions of black to white and affluent to poor.

2. Any additional methods deemed educationally sound and economically feasible by the Superintendent and his staff which can reduce racial and economic isolation should be implemented.

3. By no later than September of 1972 the student racial composition of each of the public schools in Centro District should be within the general parameters of fifteen per cent plus or minus the averages of black students in the elementary, middle, and high schools. (Judge James B. McMillan stated in Swann vs. Board of Education: "The assumption . . . that a school is desegregated when it has as many as 10 per cent of a minority race in its student body is not accepted by the Court, and neither the Board nor the Court should be guided by such a figure." The United States Supreme Court upheld his view unanimously).

4. A team of outside consultants with appropriate experimental backgrounds should be invited to review:

a. all existing policies of the Centro Board of Education to determine their appropriateness for an economically and racially integrated school system and to make recommendations for needed changes in those policies;
b. all existing administrative procedures of the Centro school system to determine their appropriateness for an economically and racially integrated school system and to make recommendations for needed changes in those procedures; and
c. all handbooks, directives, and administrative procedures being utilized in individual schools to determine their appropriateness for economically and racially integrated schools and to make recommendations for needed changes.

5. The divisions and apparent animosities which have sometimes characterized many of the activities of the Centro Board of Education in the recent past should be placed aside, and, as an arm of state government, the Board should move immediately and affirmatively to adopt as policy and to order implemented into practice this Board's resolutions of July, 1971.

This report concludes with statements made recently by three men who won the governorships of states in the South:

James Earl Carter, Jr., 76th Governor of Georgia, said: "I say to you quite frankly that the time for racial discrimination is over. Our people have already made this major and difficult decision. No poor, rural, weak, or black person should ever have to bear the additional burden of being deprived of the opportunity of an education, a job or simple justice."

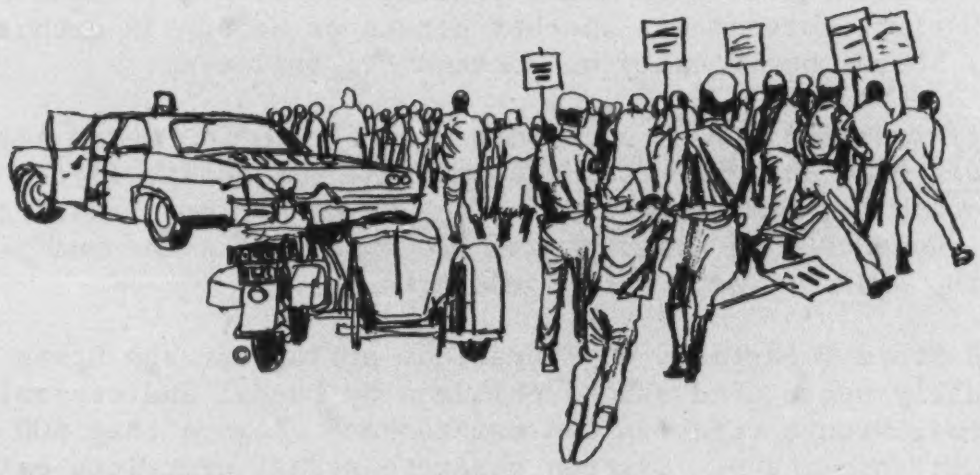
On January 17, 1970, the first Republican Governor in nearly a century of Virginia's history said in his inaugural address to the people of his state: "Let the goal in Virginia be an aristocracy of ability, regardless of race, color, or creed."

In Arkansas, Dale Bumpers' avowed reason for entering the gubernatorial race was to prevent segregationist and former governor Orval Faubus from regaining office. He asked, "How could I face my children and grandchildren if I allowed that to happen without a fight?"

The Centro Board of Education again is to be commended for the action it is taking -- an affirmative stand to correct segregation which has been imposed on school children in the district. Defeat is possible if strength falters or if commitment fails. Governor Bumpers' statement can be paraphrased for the Centro Board of Education: "How could you face your children and grandchildren if you allow that to happen?"

The model has tried to anticipate legally the major questions which have plagued desegregation planners and programmers since the passing of the law and its subsequent national endorsement. Response platforms are listed for the use of the school boards, as well as for superintendents, state boards, principals, and local leaders who need them, or who might feel uncertain in pursuing a course which they suspect is at variance with the attitudes of neighbors and friends. The model also reminds us of just what a local school district and school board is, what it can do and why, and to whom it is beholding. The legal and social responsibilities are also laid clear. Some things that might happen are listed and alternatives are spelled out. The section ends with a suggested set of official recommendations, complete with underlying presumptions programmers must anticipate facing; these will vary little from one area to another. Legal supports for the proper move is in each case made clear. The communication is long. A little excusable preaching is included to help hold the attention.

The Board of Education, or whoever must respond, may need, and surely deserves help in responding to such reports, recommendations, suggestions, etc., although these messages are passing among people who agree that the right thing must be done. Despite the posture of legal adversarism, these people are not at war. Each is seeking and helping the other find a way out of a dilemma. The model provides them with a model response. This is proper. Preparation of such a response can be a wrenching experience, as well as a very difficult and time consuming exercise. The example provided is adoptable to the local conditions. Note that the model response deals solidly with a basic truism, often overlooked in the heat of planning, rhetoric, and work: we have all contributed to the problem; many agencies, individuals, groups, institutions, share the responsibility of our school systems. Educators are no more guilty or innocent than other forces in the community. Many forces contribute to the characteristics and policies of a school directly and indirectly. If a clean hand was a requirement to throw the first missile, no stone would ever be thrown. We are reminded that such a posture is important, necessary and fair; educators are not solely responsible for "separate but equal" segregated, or any other organization of our schools. <u>We</u> did it.



MEMO

To: I. M. Dammed, State Superintendent of Education, State Dept. of Education, Capital City, Any State
From: A. M. Harrassed, President, Centro Board of Education

Subject: A model reaction from the Centro Board of Education to the alternatives and recommendations made to the board by the state Department of Education.
Date: Today

Although collectively the members of the Centro Board of Education had not previously studied all of the position statements, Court Decisions, legal statutes, and interpretations which were outlined in your report to this Board, we are pleased that the resolution that we passed in July, 1971, places the Centro school district as a major urban school system in the forefront of educational change. As you indicated, Centro has been remiss in either taking those actions to occur which have resulted in segregation of school children.

Economic and racial isolation, segregation, and insulation exist in the Centro areas as a result of actions taken by many agencies of state government, including this Board of Education. However, the educational institution does not stand alone. Centro City exists with its boundaries and limits as a result of state action. The Charter which permitted the City to incorporate was granted by the state. All of the actions of the City government, by your interpretations and by state laws, are also state actions; and they, too, have resulted in state-imposed segregation.

Many other agencies have been responsible for similar state-imposed segregation, inasmuch as their authority, like that of the schools', also is delegated from the state. Banks, other lending institutions, realtors, land developers, insurance firms, house builders, and all other persons and agencies who collectively have charted the destiny of Centro City and its surrounding area, by various and sundry methods, have been at least equally responsible with the school system for state-imposed segregation by race and economics.

We contend that the inequities which have resulted from actions of the schools cannot be corrected without corresponding corrective actions by all other agencies of state government, whether direct or delegated authority has been responsible. More specifically we contend the following:

Here two different situations are dealt with -- locales where segregation rested on a de jure base and where it developed and can be identified as de facto. In using this section one must carefully select #1 or #2, not both. A local attorney may help. Geography is not a dependable guide, as each condition may occur north, south, east or west. - Editor's note

1. That the State Department of Education, acting for the State Legislature has deliberately segregated school children by racial and economic backgrounds and origins through creation and maintenance of more than 600 separate school districts in this State. Sixteen separate school districts exist in this county alone as a result of State-imposed legal action. In terms of student population, Centro City ranks first of those sixteen districts. The following table indicates the populations of students and teachers in the districts within this county. (Insert date appropriate to each locale. Data shown is used for illustrative purposes only.)

School District	Total Students	Black Students	Per Cent Black Students	Black Teachers
Centro	59,527	27,790	38.3	673
Suburbo	15,744	35	0.2	0
Mint Town	5,059	0	0	0
Redwood	1,986	0	0	0
Greenwood	5,031	3	0.1	0
East Henry	5,408	10	0.2	0
Creekvile	2,090	0	0	0
Johnstown	6,416	22	0.3	2
James Township	2,825	1,889	66.9	48
Runwood	5,675	164	2.9	0
Slow River	7,290	402	5.5	8
Old Creek	1,914	0	0	0
Northmont	5,720	3	0.1	0
Westridge	3,718	0	0	0
Mountview	2,268	35	1.5	0
Lincoln	6,384	0	0	0

In the county, 18.5 per cent of the total public student population of schools are black. Of the county's total public student population, only 43.4 per cent attend Centro schools. Yet, 89.9 per cent of the county's black public school students attend Centro schools. Only 2.6 per cent of the county's black public school students attend schools outside the Centro and James Township School Districts. In those two districts' public schools, 39.6 per cent of the total student populations are black. In the remainder of the county, only 0.9 per cent of the public school students are black.

The Centro School District has no cash resources with which to pay its obligations, and the District has only enough legal borrowing power to operate schools for just one month between August and December. That situation has developed because of the inadequacy of State law for financing public schools. Children in no other district in this county face a three month hiatus in their education because of such an acute financial crisis.

We contend that the State has created and imposed both racial and economic isolation and insulation within this metropolitan area.

In order that this aspect of state-imposed segregation be corrected, we therefore ask for creation of a Metropolitan School District for the entire county. The state has created the monster; we ask now that the state create a system that will effectively serve all of the children.

The generally accepted rule for alternation of school district boundaries has been stated concisely by the Illinois Supreme Court.

> With or without consent of the inhabitants of a school district, over their protests, even without notice or hearing, the state may take the school facilities in the district, without giving compensation therefor, and vest them in other districts or agencies. The state may hold or manage the facilities directly or indirectly. The area of the district may be contracted or expanded, it may be divided, united in whole or in part with another district, and the district may be abolished. All this at the will of the legislature. The "property of the school district" is a phrase which is misleading. The district owns no property, all school facilities, such as grounds, buildings, equipment, etc., being in fact and law, property of the state and subject to the legislative will. (Based on People vs. Deatheridge, 401 III. 25).

Only a few other of the fifty states have more school districts than this state, although several of the states have more schools and students. The Centro Board of Education has been delegated "broad discretionary powers" by the state. Yet, those powers either reserved to the state or delegated to other state agencies have been responsible for more state-imposed segregation of school children by race and economics than that imposed by this Board of Education.

The latest Supreme Court decision to which the State Department of Education referred so frequently in its recommendations to this Board was not a case against just the Charlotte-Mecklenburg Board of Education. The State of North Carolina and the State Superintendent of Public Instruction in North Carolina were co-defendants along with the local school district.

2. That the methods for financing public schools selected and written into law by the state legislature are no longer valid, equitable, or fair, but rather they are discriminatory, unrealistic, and unfair to taxpayers and school children. Currently, children in the Centro school district attend schools which are not able to provide services that schools in the neighboring districts have provided for them. The Centro school district is involved in a financial crisis which it would not be involved in if the State had selected more appropriate methods for financing schools. That is state-imposed economic discrimination. Therefore, we ask again that a Metropolitan School District be created, and that the State provide the financial resources necessary for its operation.

The Centro Board of Education has exhausted every legal financial resource available under existing state law for financing the public schools in this district, but the laws which govern school finance are inadequate and inappropriate for contemporary American educational needs.

3. That the state has delegated other authority to neighboring agencies, instructions, municipalities, and civil districts which has resulted in the flight of affluency from the city. Artificially imposed boundaries, such as "City Limits," created by the state, have resulted in racial and economic segregation. The Centro Board of Education asks that such flight be eliminated by creation of a Metropolitan governmental unit to match the proposed Metropolitan school district and that all public services provided in the metropolitan area be equalized and extended to all of the inhabitants in said area.

The following motion was presented to the Centro Board of Education by one of its members at the August, 1970, regularly scheduled meeting and passed unanimously.

WHEREAS: The State Department of Education has outlined eleven alternatives which this Board might choose from in order to achieve the objectives of the July, 1970, resolution; and

WHEREAS: The State Department of Education has officially recommended Alternative Number Eleven to this Board for adoption as policy and for implementation; and

WHEREAS: the racial and economic isolation which exists in this District is state-imposed; and

WHEREAS: this Board of Education, as an agency of state government, acts for the state government in its actions;

THEREFORE THE FOLLOWING IS RESOLVED by the Centro Board of Education: The Centro Board of Education accepts the recommendations presented to it by the State Department of Education and is willing to proceed with adoption, development, and implementation of Alternative Number Eleven which, the Board agrees, appears to be the only reasonable course which can be followed. In order that its task might be successful, the Centro Board of Education also formally assumes this posture with respect to what the United States Supreme Court has consistently and persistently referred to as "state-imposed segregation." The following is the position of this Board:

IF THE STATE DEPARTMENT OF EDUCATION AND THE STATE LEGISLATURE will agree to the contentions stated above in this document, and if the State Department of Education and the State Legislature will move with dispatch to correct the conditions indicated therein, this Board can easily achieve its stated objectives: to reduce racial and economic isolation and to improve educational opportunities in the schools. Without such concomitant action by the State Department of Education and the State Legislature, this Board contends that its task will be impossible to accomplish. THEREFORE: if the cooperation sought by this Board from the State does not materialize affirmatively and with dispatch, the Centro Board of Education will be forced to adopt Alternative Number Three as stated in the State Department of Education report to this Board and turn the responsibility for operating this school district back to the State where ultimately it belongs. If that choice is forced upon the Centro Board of Education, prior to such action being taken, a variation of the State Department of Education's Alternative Number Seven will be adopted and implemented. As its final official act, the Centro Board of Education will extend full and complete cooperation to any agency or individual for preparing a legal suit against the State for removal of all aspects of racial and economic isolation which exists in the Centro Metropolitan Area as a result of any form of state-imposition.

The responses are loaded with data clarifying the unacceptable aspects of the local conditions and are accompanied by statement and restatement of legal decision and precedents justifying and supporting compliance with law, national policy and leadership positions at many levels. It contains an acceptable "back of our hand to you, Billy Boy" rejoinder which should be anticipated. It ends with a statement of policy and declarations of intent and commitment. The model helps the board and power structures say in effect, "We will comply with the law. We will implement the desegregation policy endorsed officially and politically throughout the community, state, nation; we ask that superior bodies which do not share our commitment get the hell out of the way, offer us no impediments or we shall return to the clear and supportive law for relief, strength, and defense of our actions undertaken for the public good."

Despite the implacable and unremitting legal skeleton wrapped in a series of citations and formal statements, the model is a clear appeal and a support to common sense. Sociological jargon is avoided. Debatable psychological concepts are out-flanked neatly. Individuals are not threatened, disparaged or insulted as individuals. The model is more of a "how to do" tool than a "why don't you" or a "because of you" indictment. For each policy-making or policy-following entity it offers a shelter from racist or habit-based negative reactions of those who oppose, and a reassurance and support of any democratic inclination to work toward justice in the reordering of educational institutions. To a layman this appears an appropriate function of law; would that it were universally acknowledged.

W.J.R.

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